



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Petition to Determine Administration Expenses Allocable to Encumbered Property
Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in
Satisfaction of Lien and Expenses [Prob. C. 10361.5, 10362]**

DOD: 11-23-06		TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA expires 1-17-13.	NEEDS/PROBLEMS/COMMENTS: 1. Need order.
		Petitioner states one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.	
<input type="checkbox"/>	Aff.Sub.Wit.	Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	The property subsequently went into default. Anticipating funds from the sale of properties in Argentina and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	SEE PAGE 2	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: skc

Reviewed on: 1-11-13

Updates:

Recommendation:

File 2 - Petrogonas

Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code §10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

Petitioner requests:

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code §10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

Age:			NEEDS/PROBLEMS/COMMENTS: <div style="text-align: center;"><u>OFF CALENDAR</u></div> Second and Final Account was settled on 11-9-11.	
DOD:				
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skC
				Reviewed on: 1-11-13
			Updates:	
			Recommendation:	
			File 4 - Counts	

First Account Current and Report of Trustee; Petition for Allowance of Compensation to Trustee and Attorney

Age: 74			PUBLIC GUARDIAN , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOB: 3-24-38				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
Account period: 8-4-10 through 7-31-12				
Accounting: \$163,341.97				
Beginning POH: \$0.00				
Ending POH: \$157,419.35 (Cash)				
Conservator: \$875.60 (itemized)				
Attorney: \$2,500.00 (per local rule)				
Bond fee: \$787.10 (ok)				
Petitioner prays for an order:				
1. Approving, allowing and settling the account;				
2. Authorizing trustee and attorney fees and commissions;				
3. Payment of the bond fee;				
4. Payment of the Court filing fee; and				
5. Any other orders the Court deems proper.				
	Notice of Hrg			
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
N/A	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 1-11-13	
			Updates:	
			Recommendation:	
			File 5 - Sangster	

**Petition for Appointment of Probate Conservator of the Person and Estate
(Prob. C. 1820, 1821, 2680-2682)**

Age: 68		TEMPORARY EXPIRED 11-15-12 (NOT EXTENDED)	NEEDS/PROBLEMS/COMMENTS:
DOB: 10-7-43			
		ISABEL BARRIENTOS , daughter, is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent and dementia medication and placement powers. <i>[Note: Per Minute Order 10-12-12, Estate request is dismissed.]</i>	<u>Court Investigator advised rights on 8-21-12.</u>
Cont. from 090612, 101812, 111512, 121312		VOTING RIGHTS NOT AFFECTED	<u>Continued from 9-6-12, 10-18-12, 11-15-12, 12-13-12. As of 1-10-13, nothing further has been filed.</u>
<input type="checkbox"/>	Aff.Sub.Wit.	Need Capacity Declaration.	<u>Note: The temp order also authorized Petitioner to move the Conservatee's residence to reside with Petitioner.</u>
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Petitioner states: Petition is blank. No facts are provided.	<u>Note: Examiner notes that the Petitioner also checked boxes for additional powers under Probate Code §§ 2590, 2351-2358, limited conservatorship, and dementia powers.</u>
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Court Investigator Charlotte Bien filed a report on 8-27-12.	<u>Minute Order 10-12-12: The Petitioner informs the Court that Ricardo Barrientos is back in a convalescent home. The Court dismisses the Petition for Appointment of Conservator of the Estate finding that the Petitioner's desire not to go forward with that petition is a request for dismissal. The Court continues the Petition for Appointment of Conservator of the Person to 11/15/12. The temporary is extended to 11/15/12.</u>
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		<u>Minute Order 11-15-12: Counsel informs the Court that she will try to contact Isabel Barrientos to see what the status is.</u>
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		<u>Note: Nothing further has been filed. There are still extensive deficiencies. See Page 2.</u>
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		SEE PAGE 2
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		Reviewed by: skc
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		Reviewed on: 1-10-13
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		Updates:
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		Recommendation:
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		File 10A - Barrientos
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need Capacity Declaration (GC-335) with Dementia Attachment (GC-335A) for consideration of medical consent and dementia medication and placement powers.

Note: Petitioner attached a physician's statement to her Confidential Supplemental Information form; however, the Capacity Declaration is a mandatory Judicial Council form that is necessary for the Court to make the findings required to grant medical consent and dementia powers. See GC-335.

2. Need Citation (GC-322).

3. Need proof of personal service of Citation with a copy of the Petition at least 15 days prior to the hearing pursuant to Probate Code §1824 on Mr. Barrientos.

4. Need Notice of Hearing (Form GC-020).

5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1822.

Note: Petitioner does not list relatives on the Petition; however, the Court Investigator's Report indicates the following relatives:

- Guadalupe Barrientos (Spouse)
- Diana Gamez (Daughter)
- Alice Ayala (Daughter)
- Demetrio Barrientos (Son)
- Sylvia (Daughter)
- Cindy (Daughter)

6. Need Video Receipt (Local Rule 7.15.8.)

Note: Due to the above issues, continuance for compliance may be necessary. Examiner has retained the Order and will prepare accordingly if/when granted.

Order to Show Cause Re: Failure to Appear

	<p>ISABEL BARRIENTOS, Daughter, filed a petition for conservatorship of the person and estate with medical consent and dementia medication and placement powers on 8-1-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Aff.Sub.Wit.</p>	<p>Also on 8-1-12, Ms. Barrientos filed a petition for temporary conservatorship which included a request to change the conservatee's residence during the temporary conservatorship from his personal residence in Madera to Petitioner's home in Fresno.</p>	
<p>Verified</p>		
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>	<p>On 8-14-12, the Court granted the temporary petition.</p>	
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>	<p>On 8-21-12, Attorney Jennifer Walters was appointed to represent the Conservatee in connection with the petition for conservatorship (due to the request for dementia powers).</p>	
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>	<p>At the hearing on 9-6-12, Examiner notes reflected numerous deficiencies that required attention before conservatorship could be established. Additionally, Attorney Walters informed the Court that she had been unable to speak with the Conservatee and requested a continuance. The matter was continued and the temporary conservatorship was extended to 10-18-12.</p>	
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		<p>Reviewed by: skc</p>
<p>Status Rpt</p>		<p>Reviewed on: 1-10-13</p>
<p>UCCJEA</p>		<p>Updates:</p>
<p>Citation</p>		<p>Recommendation:</p>
<p>FTB Notice</p>	<p>At the continued hearing on 10-18-12, the Court dismissed the petition for conservatorship of the estate, and continued the matter to 11-15-12. Petitioner informed the Court that Mr. Barrientos was back in a convalescent home.</p> <p>On 11-15-12, Petitioner did not appear. Attorney Walters indicated that she would try to contact her for status. The matter was continued to 12-13-12.</p> <p>On 12-13-12, Attorney Walters informed the Court that she was unsuccessful in contacting the petitioner, but would attempt to contact other family members. The Court set this Order to Show Cause why Petitioner shouldn't be sanctioned in the amount of \$500.00 for failure to appear. Notice was mailed to Petitioner on 12-17-12.</p> <p>As of 1-10-13, nothing further has been filed.</p>	<p>File 10B - Barrientos</p>

Atty Smith, Deborrah

Atty Macklin, Lloyd C.

Atty Macklin, Deborrah

Petition for Termination of Guardianship

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		<u>Continued to 02/14/2013 at the Request of Petitioners.</u>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 01/11/2013
UCCJEA	Updates:	
Citation	Recommendation:	
FTB Notice	File 14 - Macklin	